

**Sec. 18-8. - Maintenance of private easements and rights-of-way.**

- (a) *Residential real property.* All residential land and buildings, but does not include property owned by the State of Connecticut or the Town of North Stonington.
- (b) *Benefited property or property that benefits.* Includes residential real property burdened by an easement or right-of-way, the owner of which residential real property uses such easement or right-of-way.
- (c) *Easement or right-of-way.* A right to use adjoining property that transfers with the land.
- (d) The owner of any residential real property that benefits from an easement or right-of-way, the purpose of which is to provide access to such residential real property, shall be responsible for the cost of maintaining such easement or right-of-way in good repair and the cost of repairing or restoring any damaged portion of such easement or right-of-way. Such maintenance shall include, but not be limited to, the removal of snow from such easement or right-of-way.
- (e) If more than one residential real property benefits from such easement or right-of-way, the cost of maintaining and repairing or restoring such easement or right-of-way shall be shared by each owner of a benefited property, pursuant to the terms of any enforceable written agreement entered into for such purpose. In the absence of such agreement, the cost of maintaining and repairing or restoring such easement or right-of-way shall be shared by each owner of a benefited property in proportion to the benefit received by each such property.
- (f) Notwithstanding the provisions of subsections (d) and (e) of this section, any owner of a benefited property who directly or indirectly damages any portion of the easement or right-of-way shall be solely responsible for repairing or restoring the portion damaged by such owner.
- (g) If any owner of a benefited property refuses to repair or restore a damaged portion of an easement or right-of-way in accordance with subsection (f) of this section, or fails, after demand in writing, to pay such owner's proportion of the cost of maintaining or repairing or restoring such easement or right-of-way in accordance with subsection (e) of this section, an action for specific performance or contribution may be brought in the Superior Court against such owner by other owners of benefited properties, either jointly or severally.
- (h) In the event of any conflict between the provisions of this section and an agreement described in subsection (e) of this section, the terms of the agreement shall control.

**Sec. 18-9.- Private roads approved for Town maintenance.**

- (a) *Private road.* A road on privately-owned property open to public passage that has not been given to or accepted by a government entity
- (b) This section shall govern the manner in which the Town may provide certain maintenance to private roads.
- (c) The Board of Selectmen shall perform a level of maintenance for the following private roads equivalent to that which was previously provided by the Town of North Stonington Highway Department through longstanding past practice, as reflected herein:

<i>Private Road</i>	<i>Miles</i>	<i>Type</i>	<i>Level of Maintenance</i>
Armstrong Pentway	.41	unimproved	occasionally provide material; plow and sand after all accepted roads
Avery Lane	.03	improved	surface patching/paving; regularly plow and sand
Billings Road Ext.	.11	unimproved	grading; regularly plow and sand

Cedars Road	.62	unimproved	regularly plow and sand
Cranberry Bog Rd.	.52	unimproved	grading; regularly plow and sand
Patricia Avenue	.60	unimproved	grading; regularly plow and sand
Princess Lane	.31	improved	surface patching/chip sealing; regularly plow and sand
Wrights Road	.50	unimproved	grading; regularly plow and sand

- (d) Maintenance above and beyond the foregoing, including but not necessarily limited to private road reconstruction, drainage work, and tree and brush removal, shall not be the responsibility of the Town. Owners of property shall continue to be responsible for any maintenance and repairs over and above that provided by the Town under this section.
- (e) Structural deterioration which may cause the said road to cease to be passable will be the responsibility of the owners, and the Town may require that said road be upgraded to passable condition before maintenance may continue.
- (f) Nothing in this section shall be construed to modify or change any requirements established by the Planning and Zoning Commission and/or included in the Town of North Stonington Zoning Regulations.

\_\_\_\_\_(End of proposed new ordinances)\_\_\_\_\_

#### Questions Asked & Answered:

1. What does it cost the Town annually to provide this level of maintenance for the eight private roads listed?

Approximately \$13,500

2. How many homes are located on these eight private roads?

There are a total of 63 homes on these roads.